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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Joseph F. Williams

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EXAMINER

GOODWIN, JEANNE M

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/757,939

Applicant(s)

WILLIAMS, JOSEPH F.

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/18/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 12-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Therefore, for the reasons outlined in MPEP §2106 this subject matter does not meet practical result requirement because it does not provide a useful result. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1 and 4-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,366,834 to Hayes et al. [hereinafter Hayes].

With respect to claim 1: Hayes a device (see Fig. 1) comprising a timezone database structure (see Figs. 4 and 8) having at least one timezone identifier (the number of timezones to which a state belongs, e.g., North Dakota has 2 timezones), at least one local shift time associated with each timezone identifier (difference in time in each timezone = -7 hours/-6 hours) and an anchor shift time associated with each local shift time (Greenwich standard time).

With respect to claims 4 and 5: Hayes' database structure (see Figs. 4 and 8) further indicates a timezone associated with a timezone identifier (California = 1 and Arizona = 1) of the at least one timezone identifier is non-observing and observing, e.g., California daylight savings is not being enforced or Arizona daylight savings is being enforced (see column 4, lines 32-48).

With respect to claim 6: Hayes' database structure (see Figs. 4 and 8) further indicates a second timezone identifier (North Dakota = 2) of the at least one timezone identifier is non-observing, e.g., North Dakota daylight savings is not being enforced (see column 4, lines 34-39).

With respect to claim 7: Hayes' database structure (see Figs. 4 and 8) further indicates a first local shift time (difference in time in each timezone = -7 hours/-6 hours) associated with a first timezone identifier (North Dakota has 2 timezones) of the at least one timezone identifier is relative to a reference date-time (summer time or winter time) (see column 6, lines 53-67).

With respect to claim 8: Hayes' database structure is inherently able to indicate the first local shift time (difference in time in each timezone = -7 hours/-6 hours) being after the reference date-time because the local shift time may be identified prior to a reference date-time (summer time or winter time change).

With respect to claim 9: Hayes' database structure is inherently able to indicate the first local shift time (difference in time in each timezone = -7 hours/-6 hours) being before the reference date-time because the local shift time may be identified prior to a reference date-time (summer time or winter time change).

With respect to claim 10: Hayes' database structure is inherently able to indicate a second local shift time (difference in time in each timezone = -7 hours/-6 hours) associated with the first timezone identifier (North Dakota has 2 timezones) is relative to the reference date-time (summer time or winter time), and wherein the second local shift time is after the reference date-time (summer time or winter time).

With respect to claim 11: Hayes' database structure (see Fig. 4) further indicates the at least one local shift time and the anchor shift time are expressed in an integer format.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes.

Hayes discloses a device as stated above with regards to claims 1 and 4-11.

Hayes discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 2, i.e., the local shift times associated with a given timezone identifier of the at least one timezone identifier are in sorted order; and the limitation stated in claim 3, i.e., the local shift times associated with a given timezone identifier of the at least one timezone identifier are in unsorted order.

With respect to claims 2 and 3: Official Notice is taken with respect to the local shift times associated with a given timezone identifier of the at least one timezone identifier being in a sorted or unsorted order since it is very well known in the database art to sort data in a file database, e.g., excel, as a way of classifying or unclassifying data, respectively. Thus to place Hayes' local shift times in a sorted or unsorted order would have been obvious to a person having ordinary skill in the art at the time the invention was made in order to be able to classify or unclassify data any perspective order.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices: US Patent 4,681,460 to Nishimura and US Patent Mardhekar et al. disclose database structures for calculating plural timezones; and US Patent 6,216,265 to Roop et al. discloses a system including adjusting timezones and daylight savings times.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate

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Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.



JMG  
Feb. 22, 2005

VIT MISKA  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2800